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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,037	03/11/2004	Vincent P. Walker	00216-667001 / Case 8137	6724
26161	7590	05/22/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			LANDRUM, EDWARD F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,037	Applicant(s) WALKER, VINCENT P.	
	Examiner Edward F. Landrum	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/05, 6/8/05</u> | 6) <input checked="" type="checkbox"/> Other: <u>IDS: 3/27/06</u> |

DETAILED ACTION

Claims 1-13, and 24-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/27/2006.

Applicant's election without traverse of claims 14-23 in the reply filed on 3/27/2006 is acknowledged.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show distal end 153, and end surfaces 146 and 148 contacting the housing 20 as described in the specification. Furthermore, it is not understood where endpoints a, b, c, and d are in relation to either finger 150 or 152. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14-16, and 22 rejected under 35 U.S.C. 102(b) as being anticipated by Rozenkranc (U.S Patent No. 6,276,061).

Rozenkranc teaches (See Figure 1) a shaving cartridge with a housing (2). A plurality of blades (3) are located inside the housing (2) as well as a trimming blade (4). The trimming blade defines a second cutting region spaced from the first cutting region. A connecting member (the marked off section closest to the housing 2 in Figure 2) is pivotally connected to the housing (2) through a pair of arms (best seen in Figures 2a

and 3a) connected to the body of the connecting member. Recesses associated with stop portions (10 and 11) of the housing (2) work with the terminal portions of each arm to create a normal pivot angle.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Apprille et al '293 (U.S. Patent No. 5,813,293), hereinafter Apprille '293.

Rozenkranc teaches all of the elements of the current invention as stated above except the terminal portions extending from arms that form load-bearing surfaces. The load bearing surfaces are configured to contact the housing only when the housing is pivoted beyond a limit angle greater than the normal pivot angle, the normal pivot angle being about 41 degrees and the limit angle being between about 41.5 and 45 degrees. Furthermore, Rozenkranc fails to teach an opening in the body of the connecting member configured to receive a handle interconnect assembly for connecting the cartridge to a handle.

Apprille '293 teaches (see Figures 4 and 13) a connecting member for a shaving assembly comprising arms (28) and terminal portions (72). Furthermore, the connecting member appears to comprise load-bearing surfaces (raised portions to the left and right

of hole (74) that appear capable of stopping the shaving cartridge from rotating beyond a certain angle. Furthermore Apprille '293 teaches recesses (130 and 74) that go through the connecting member for the purpose of attaching a handle to the connecting member (see Figures 16 and 17).

It would have been obvious to have modified Rozenkranc to incorporate the teachings of Apprille '293 to provide a connecting member that protected against housing over-rotating and snapping off the connecting arms thereby making it so a user only had to buy cartridges for the razor instead of having to buy the entire shaving assembly. Providing a recess in the connecting member would allow the connecting member to become a "universal adapter" by allowing a user to select any number of sized or shaped handles depending on the size of their hand or their personality to let the shaving have a better feel for each individual person.

Regarding the normal pivot angle being between 35 and 45 degrees, but more specifically being about 41 degrees, and the limit angle being greater than 41 degrees, but more specifically between about 41.5 and 45 degrees, it would have been an obvious matter of design choice to find the optimal normal pivot angle to allow a user to properly use both the normal shaving blades and the trimming blades as well as find the optimal limit angle so as to prevent the connecting arms from snapping off between the plunger and the housing as compared to the pivot axis for the purpose of allowing the housing to pivot to both a shaving position and a trimming position while also providing a resistance force against the housing so a user's force applied to the handle could be

optimally applied to the housing to thereby reduce the necessary force of the user and possibly aid the user from cutting him or herself.

Furthermore, it would have been an obvious matter of design choice to make the normal pivot angle about 41 degrees and the limit angle between about 41.5 and 45 degrees because discovering the optimal angles for either angle would have been a mere design consideration based on the distance and angle between the shaving blades and the trimming blade as well as various physical properties of the material used for the various parts such as the modulus elasticity. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges only involves routine skill in the art. Further, it has been held that discovering an optimum value, or a result effective variable involves only routine skill in the art.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Apprille et al '851 (U.S Patent No. 5,956,442) teaches a connecting member with a hole in it for the purpose of connecting a handle. Pina (U.S Patent No. (6,223,442), Andrews (U.S Patent No. 6,161,288), and Coffin (U.S Patent No. 6,560,881) teach a shaving apparatuses with surfaces capable of preventing over-rotation of a shaving head.

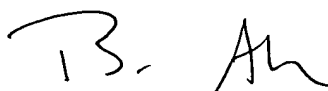
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/8/2006
EFL




BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER